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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 325 of 1995

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DV PANCHOLI

Versus

RM SHAH

Appearance:

MR HARIN P RAVAL for the Petitioner.
MR IM BENGALI for Respondent No. 1
RULE SERVED for Respondent No. 2-4
UNSERVED-REFUSED (R) for Respondent No. 5
SERVED BY RPAD - (R) for Respondent No. 6-7

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/01/2004

ORAL JUDGEMENT

Since this Civil Revision Application is

preferred under Section 115 of the Code of Civil Procedure against an interim order of the appellate Judge and when the appellate Judge has exercised the powers arising under Order 39 of CPC, and since the appellate court was concerned with the application submitted in the suit in connection with interim injunction and appointment of Receiver, this revision against such an interlocutory order is not maintainable in view of the amendment in CPC. Hence, this CRA is disposed of as not maintainable. Rule is discharged. Interim relief is vacated.

If the petitioner so desires, it will be open for him to challenge the impugned order by filing a Special Civil Application under Article 227 of the Constitution of India.

21st January, 2004 (P.B. Majmudar, J.)

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(apj)